

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Digital Audio Broadcasting Systems)	MM Docket No. 99-325
And Their Impact on the Terrestrial)	
Radio Broadcast Service)	
)	

To: The Commission and Chief, Media Bureau:

REQUEST FOR EXTENSION OF TIME TO FILE REPLY COMMENTS

The American Federation of Television and Radio Artists (AFTRA), the American Federation of Musicians of the United States and Canada (AFM), the Future of Music Coalition (FMC), the National Academy of Recording Arts and Sciences (the Recording Academy) and the Recording Artists' Coalition (RAC) (collectively hereinafter "recording artist interest commenters") respectfully request an extension to file reply comments in the above docket. The recording artist interest commenters represented here will be unable, even with maximum effort, to complete our analyses and draft responses by the Commission's July 16, 2004 deadline. We therefore request the Commission delay the reply comment deadline to September 15, 2004, a 61-day extension.

This short extension of time is critical to allow members of the artist community to participate fully in this docket. Most of the negotiations and decisions underlying the April 20, 2004 *FNPRM* and *NOI* were conducted without the inclusion of all the stakeholders, including the public interest organizations and the artists whose creations are to be broadcast based on the decisions reached here. We are the only parties dedicating significant resources to filing complex and nuanced materials evaluating the impact of DAB on recording artists.

Approximately 130 sets of comments have been filed and must be evaluated. In addition to presenting a significant number of legal arguments, these comments included detailed economic analyses, and factual presentations about a wide variety of issues. Reviewing and responding to these filings in a comprehensive manner requires significant time and resources. The recording artist interest commenters cannot complete our review by the Commission's deadline. Denying the artists' ability to challenge assertions made by industry parties with a direct financial stake in DAB and/or the approved in-band on-channel ("IBOC") technology would cripple the Commission's ability to sort through the impact in an era when the Commission is emphasizing its desire to make decisions based on a comprehensive record.

In the *FNPRM*, the Commission raised questions about the need for payola regulations in a DAB world, an issue of utmost concern to recording artists and often a barrier to receiving airplay. In addition, in the *NOI* on Digital Audio Content Control, the Commission raised a number of serious issues which had apparently been discussed privately among parties and the Commission, but this is the first time artists, major stakeholders in this debate, have the ability to participate. DAB might drastically reduce one of the artists' few legitimate income streams -- artists must have the opportunity to consider and evaluate this threat and the proposed solutions.

In addition to analyzing all the arguments made in the approximately 130 sets of comments filed, artists also seek to analyze the issues raised here in the context of the numerous other media ownership and localism issues pending, including the *NOI* on broadcast localism recently released by the Commission on July 1, 2004. Transition to DAB and the ability to multicast and other new uses DAB will enable are inexplicably linked to, and cannot be analyzed in isolation from, media ownership and localism concerns.

Failing to grant this extension will bias this proceeding. The broadcast and technology parties have had ample opportunity to coordinate their filings prior to the Commission's comment deadline and have been involved in many of the negotiations and decisions leading up to this *FNPRM* and *NOI*. Many of the commenters belong to, or are owned by members of, the National Association of Broadcasters. Thus, the mere burden of reviewing the record is less for them than it is for the recording artist interest commenters.

The organizations representing recording artists and undertaking this effort have significant limits on their resources that prevent them from responding by the deadline. The Commission is presently conducting a wide array of media ownership and localism issues, all of which are of the utmost concern to the parties represented here. These burdens are made worse because the reply comment filing occurs over the summer, a time when small artist organizations are particularly hard-pressed to dedicate an extremely high level of resources.

A short delay of less than two months will not prejudice this proceeding. The transition to DAB has been under consideration for several years and an additional two months of time will not prejudice any party and will serve the interests of informed decision-making.

Accordingly, the recording artist interest commenters request that the Commission or the Media Bureau extend the reply comment deadline in the above-captioned docket to September 15, 2004. In order to adequately plan for our response, we request the Commission make a decision as soon as possible so that the recording artist interest commenters may file comments in the event this request is denied.

Respectfully submitted,

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